



Brian P. Kemp
Secretary of State

OFFICE OF SECRETARY OF STATE
Corporations Division
315 West Tower, #2 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334
404-656-2817
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CHAUNCEY R. NEWSOME
Director

FILING PROCEDURES AND PROCESS FOR THE STATE-ISSUED VIDEO FRANCHISE AUTHORITY

Pursuant to O.C.G.A 36-76-4, effective January 1, 2008, a cable service provider or video service provider may file for a state-wide franchise authority. To receive a state franchise, a cable service provider or video service provider shall file an application for a state franchise with the Secretary of State, with a copy of such application provided simultaneously to each affected municipal or county governing authority at least 45 days prior to offering cable service or video service to subscribers within a specified service area.

Filing Procedures:

Cable Service Providers and Video Service Providers desiring to pursue a State-Issued Video Franchise Authority Certificate must submit a completed application packet to both the Office of Secretary of State, Corporations Division, and to each affected local governing authority in which it plans to provide service in at least 45 days prior to the date it intends to provide service.

A complete application packet includes the following:

1. Georgia Video Franchise Authority Transmittal Form (GAVFL250)
2. Application for State-Issued Franchise Authority (GAVFL001)
3. Certificate of Existence, if applicable.
4. A certified check or money order for the appropriate fee(s) made payable to the Office of Secretary of State. The fees are \$500.00 U.S. dollars for a new application and \$250.00 for an Amendment, Transfer or Termination Application.

If your application is complete –

1. The Office of Secretary of State will commence to processing your application pursuant to the guidelines outlined in O.C.G.A. 36-76-4.
2. Your application will be posted to the web in the Video Franchising Section of the corporations' website, which is <http://www.georgiacorporations.org/>.
3. Once the application has been posted to the web, county and municipal governing authorities or their designees will be sent both written and email notification that a new Franchise Authority Application has been received and is posted for their review.

4. County and municipal governing authorities have fifteen (15) business days from the date the notifications were sent out in which to object to the Franchise Authority Application. The county or municipal governing authority has an additional 15 days to provide sufficient documentation to support its objection. Pursuant to O.C.G.A. 36-76-4 3(f), a municipal or county governing authority that reasonably believes an applicant that has not yet accessed rights of way in that municipality or unincorporated area of a county and does not possess satisfactory financial and technical capability to provide cable service or video service or is not duly authorized to conduct business in Georgia shall object to the issuance of a state franchise before it is officially issued by the Secretary of State. If a municipal or county governing authority objects to the issuance of a state franchise on these grounds, the Secretary of State shall consider whether the objection is well founded and shall make a determination as to whether to grant the state franchise notwithstanding the objection or to deny or suspend the application pending the receipt of information sufficient to demonstrate the applicant has satisfactory financial and technical capability. If the Secretary of State has not acted on the objection of a municipal or county governing authority's objection and a state franchise is issued as set forth in subsection (e) of this Code section, then such temporary issuance of the state franchise shall be subject to the Secretary of State's determination on the objection.
5. If approved, your license will be issued and posted to the web. In addition, a State-Issued Certificate of Franchise Authority will be sent via first class mail to the individual listed on the transmittal form.
 - a. The Certificate will be issued in accordance to the guidelines listed in O.C.G.A 36-76-4
 - i. A nonexclusive grant of authority to provide cable service or video service as requested in the application;
 - ii. A nonexclusive grant of authority to construct, maintain, and operate facilities along, across, or on the public right of way in the delivery of cable service or video service, subject to applicable federal and state laws and regulations, including municipal and county ordinances and regulations, regarding the placement and maintenance of facilities in the public right of way that are generally applicable to all users of the public right of way and specifically including Chapter 9 of Title 25, the 'Georgia Utility Facility Protection Act'; and
 - iii. The expiration date of the state franchise, which shall be ten (10) years from the date of issuance, subject to renewal.

If the application is incomplete

1. The Office of Secretary of State must notify applicant within ten (10) days of receipt and give the applicant reasonable time to complete the application. [If no such notification is made within ten days of the receipt of the application, the application shall be deemed complete.]

2. The application will held in an “incomplete” status in the Office of Secretary of State, Corporations Division, until the applicant has satisfied the requirements to make the application complete.
3. Once the application is complete, the Office of Secretary of State will commence to processing your application pursuant to the guidelines outlined in O.C.G.A. 36-76-4.

Amendments, Transfers, Renewals and Terminations.

Applicant must complete the Application to Amend, Transfer, or Terminate a State-Issued Certificate of Franchise Authority. (Form GAVFL002.1 Application to Amend Transfer or Terminate Franchise Authority). The fee is \$250.00 U.S. dollars for an amendment, transfer or termination of a Video Franchise Authority.

Counties and Municipalities:

1. Pursuant to O.C.G.A. 36-76-6 (1) Each affected local governing authority or its authorized designee shall provide written notice to the Secretary of State and each applicant for or holder of a state franchise with a service area located within that affected local governing authority’s jurisdiction of the franchise fee rate that applies to the applicant for or holder of such state franchise.

At its option, each affected local governing authority may adopt a resolution or ordinance establishing its franchise fee rate to be paid by any provide approved for a State-Issued Franchise Authority Certificate and may file that resolution with the Office of Secretary of State Corporations Division:

OFFICE OF SECRETARY OF STATE
Corporations Division
Attention: Video Franchise Authority Department
315 West Tower, #2 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334

Each affected local governing authority shall be responsible for notifying the Office of Secretary of State any relevant applicants for or holders of a statewide franchise when there is a change in the fee rates.

2. Unless otherwise notified, the Office of Secretary of State shall provide notice of an applicant for a state issued cable or video franchise to the city or county manager or clerk, as applicable; provided however that each county and municipality may notify the Office of Secretary of State in writing, the names, addresses, contact numbers and email addresses for each person who should be

notified when a State-Issued Video Franchise Authority Application has been received and any updates to the application status, as well as any other correspondence relating to state franchises for cable or video service.